

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROSETTA-WIRELESS CORP.,	§	
	§	
Plaintiff,	§	
v.	§	Case No. 1:15-cv-00799
	§	
APPLE INC., et al.,	§	Judge Joan H. Lefkow
	§	
Defendants.	§	

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**DEFENDANTS' MOTION TO SEVER THE PROCEEDINGS  
PURSUANT TO 35 U.S.C. § 299**

Defendants Apple Inc. ("Apple"); Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc., (collectively, "Samsung"); Motorola Mobility LLC ("Motorola"); LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively, "LG"); and High Tech Computer Corp. and HTC America Inc. (collectively, "HTC"), (collectively, "Defendants"), by and through their undersigned counsel, hereby respectfully request this Court sever the claims against them brought by Plaintiff Rosetta-Wireless Corp. ("Rosetta") on the grounds that they are impermissibly joined in this action in violation of 35 U.S.C. § 299. HTC further respectfully requests that the Court dismiss the severed HTC parties. In further support of their motion, Defendants state as follows:

1. On June 1, 2015, Rosetta filed its Amended Complaint alleging that Defendants are manufacturing, using, selling, offering for sale, and importing into the United States products that embody the purported invention of U.S. Patent No. 7,149,511 ("the '511 Patent"), and as a result, have infringed the '511 Patent. *See* Dkt. No. 82 at ¶¶ 14-15.

2. For the reasons stated in more detail in Defendants' Memorandum in Support of Their Motion to Sever the Proceedings, filed herewith, Rosetta's Amended Complaint joins five

distinct and unrelated Defendant groups in a single action based on their alleged infringement of the same patent, and thus violates 35 U.S.C. § 299. The Amended Complaint, which collectively accuses the Defendants of patent infringement based on different and unrelated products, fails to allege that the Defendants have acted in concert or that Defendants are jointly or severally liable. Further, the Complaint fails to allege a shared aggregate of operative facts that would justify joinder under 35 U.S.C. § 299.

WHEREFORE, pursuant to 35 U.S.C. § 299, Defendants respectfully request that the Court sever Rosetta's claims against each Defendant group.

Dated: June 18, 2015

Respectfully submitted,

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### **CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on June 18, 2015, she electronically filed the foregoing *Defendants' Motion To Sever The Proceedings Pursuant To 35 U.S.C. § 299* with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

s/ Stacie R. Hartman

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